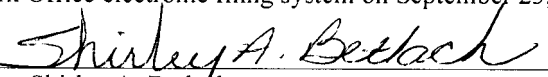


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martin T. Gerber; Confirmation No. 1410
John M. Swoyer
Serial No.: 10/698,291
Filed: October 31, 2003 Customer No.: 28863
Examiner: George C. Manuel
Group Art Unit: 3762
Docket No.: 1023-277US01
Title: IMPLANTABLE STIMULATION LEAD WITH FIXATION MECHANISM

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on September 23, 2008.

By:


Name: Shirley A. Betlach

NOTICE OF APPEAL

MAIL STOP AF

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 41.31, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1-5, 7-26 and 28-67 of the above-identified application, as set forth in the Office Action mailed June 23, 2008.

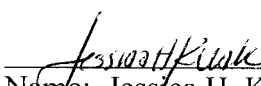
On August 6, 2007, Applicant filed a first Notice of Appeal and paid the Notice of Appeal fee. Prosecution was reopened following the filing of the first Notice of Appeal. Accordingly, the previously paid Notice of Appeal fee may be applied to the present Notice of Appeal.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1778.

Date:

By:

September 23, 2008
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